

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1712

Introduced by Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)

February 26, 2003

An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, as amended, ~~Assembly~~ Committee on Judiciary. Courts. The California Constitution provides for the abolition of municipal courts and their unification within superior courts, as specified.



This bill would conform various statutory provisions of law to the abolition of municipal courts and their unification within the superior courts.

This bill would also make other statutory changes with respect to arbitration proceedings, guardian ad litem, jury lists, service of process, small claims court, and witness fees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17511.12 of the Business and
2 Professions Code is amended to read:

3 17511.12. (a) Every telephonic seller shall maintain a bond
4 issued by a surety company admitted to do business in this state.
5 The bond shall be in the amount of one hundred thousand dollars
6 (\$100,000) in favor of the State of California for the benefit of any
7 person suffering pecuniary loss in a transaction commenced
8 during the period of bond coverage with a telephonic seller who
9 violated this chapter. The bond shall include coverage for the
10 payment of the portion of any judgment, including a judgment
11 entered pursuant to Section 17203 or 17535, that provides for
12 restitution to any person suffering pecuniary loss, notwithstanding
13 whether the surety is joined or served in the action or proceeding.
14 A copy of the bond shall be filed with the Consumer Law Section
15 of the Department of Justice. This bond may not be required of any
16 cable television operator franchised or licensed pursuant to
17 Section 53066 of the Government Code.

18 (b) (1) At least 10 days prior to the inception of any promotion
19 offering a premium with an actual market value or advertised value
20 of five hundred dollars (\$500) or more, the telephonic seller shall
21 notify the Attorney General in writing of the details of the
22 promotion, describing the premium, its current market value, the
23 value at which it is advertised or held out to the customer, and the
24 date the premium shall be awarded. All premiums offered shall be
25 awarded. The telephonic seller shall maintain an additional bond
26 for the total current market value or advertised value, whichever
27 is greater, of the premiums held out or advertised to be available
28 to a purchaser or recipient. A copy of the bond shall be filed with
29 the Consumer Law Section of the Department of Justice. The bond



1 shall be for the benefit of any person entitled to the premium who
2 did not receive it within 30 days of the date disclosed to the
3 Attorney General as the date on which the premium would be
4 awarded. The amount paid to a person under a bond required by
5 this subdivision may not exceed the greater of the current market
6 value or advertised or represented value of the premium offered to
7 that person. The bond shall include coverage for the payment of
8 any judgment, including a judgment entered pursuant to Section
9 17203 or 17535, that provides for payment of the value of
10 premiums that were not timely awarded, notwithstanding whether
11 the surety is joined or served in the action or proceeding. The bond
12 shall also provide for payment upon motion by the Attorney
13 General pursuant to subdivision (d) in the event the seller fails to
14 provide the Attorney General with proof of the award of premiums
15 as required in paragraph (2).

16 (2) Within 45 days after the date disclosed to the Attorney
17 General for the award of premiums, the seller shall provide to the
18 Attorney General proof that all premiums were awarded. The
19 proof shall include the names, addresses, and telephone numbers
20 of the recipients of the premiums and the date or dates on which
21 the premiums were awarded. The bond shall be maintained until
22 the seller files proof with the Attorney General as required by this
23 subdivision or until payment of the amount of the bond is ordered
24 pursuant to subdivision (d).

25 (c) (1) In addition to any other means for the enforcement of
26 the surety's liability on a bond required by this section, the surety's
27 liability on the bond may be enforced by motion, as provided in
28 this subdivision, after a judgment has been obtained against the
29 seller.

30 (2) The Attorney General, district attorney, city attorney, or
31 any other person who obtained a judgment for restitution against
32 the seller, as described in subdivision (a), may file a motion in the
33 court that entered the judgment to enforce liability on the bond
34 without first attempting to enforce the judgment against any party
35 liable under the judgment.

36 (3) The notice of motion, the motion, and a copy for the
37 judgment shall be served on the surety as provided in Chapter 5
38 (commencing with Section 1010) of Title 14 of Part 2 of the Code
39 of Civil Procedure. The notice shall set forth the amount of the
40 claim and a brief statement indicating that the claim is covered by

1 the bond. Service shall also be made on the Consumer Law Section
2 of the Department of Justice.

3 (4) The court shall grant the motion unless the surety
4 establishes that the claim is not covered by the bond, or the court
5 sustains an objection made by the Attorney General that the grant
6 of the motion might impair the rights of actual or potential
7 claimants or is not in the public interest.

8 (d) (1) In addition to any other means for the enforcement of
9 the surety's liability on a bond required by subdivision (b), the
10 surety's liability on the bond may be enforced by motion as
11 provided in this subdivision.

12 (2) The Attorney General, district attorney, city attorney, or
13 any person who claims the premium, may file a motion in the
14 superior court of the county from which the seller made an offer
15 of a premium, in which the seller maintains any office or place of
16 business, or in which an offeree of the premium resides. The
17 motion shall set forth the nature of the seller's offer, the greater of
18 the current market value or advertised or represented value of the
19 premium, the date by which the premium should have been
20 awarded, and the fact that the premium was not awarded as
21 represented.

22 (3) The notice of motion and motion shall be served on the
23 surety as provided in Chapter 5 (commencing with Section 1010)
24 of Title 14 of Part 2 of the Code of Civil Procedure.

25 (4) The court shall grant the motion unless the surety
26 establishes that the claim is untrue or is not covered by the bond.

27 (5) The Attorney General may file a motion in the superior
28 court of the county from which the seller made an offer of a
29 premium, or in which an offeree of a premium resides, for the
30 payment of the entire bond if the seller fails to file proof with the
31 Attorney General of the award of all premiums as required by
32 paragraph (2) of subdivision (b). The notice of motion and motion
33 shall be served as provided in Chapter 5 (commencing with
34 Section 1010) of Title 14 of Part 2 of the Code of Civil Procedure.
35 The motion shall be granted if the Attorney General establishes
36 that the seller failed to file proof of making the timely award of all
37 premiums. The recovery on the bond shall be distributed pro rata
38 to the promised recipients of the premiums to the extent their
39 identity is actually known to the Attorney General at the time
40 payment is made by the surety. The balance of the recovery shall

1 be paid to any judicially established consumer protection trust
2 fund designated by the Attorney General or as directed by the court
3 under the cy pres doctrine.

4 (e) No stay of a motion filed pursuant to this section may be
5 granted pending the determination of conflicting claims among
6 beneficiaries. An order enforcing liability on a bond may be
7 enforced in the same manner as a money judgment pursuant to
8 Title 9 (commencing with Section 680.010) of Part 2 of the Code
9 of Civil Procedure. Nothing herein affects the rights of the surety
10 against the principal.

11 (f) The surety is not liable on the bond for payment of a
12 judgment against a seller for any violation of this chapter unless
13 the action or proceeding is filed within two years after the
14 cancellation or termination of the bond, the termination of the
15 seller's registration, or the seller's cessation of business,
16 whichever is later.

17 (g) The surety is not liable on a motion made pursuant to
18 subdivision (d) unless the motion is filed within two years of the
19 date on which the seller represented the premium was to have been
20 awarded.

21 (h) For the purpose of this section, "judgment" includes a final
22 order in a proceeding for the termination of telephone service
23 pursuant to Public Utilities Commission Tariff Rule 31.

24 (i) Chapter 2 (commencing with Section 995.010) of Title 14
25 of Part 2 of the Code of Civil Procedure shall apply to the
26 enforcement of a bond given pursuant to this section except to the
27 extent of any inconsistency with this section, in which event this
28 section shall apply.

29 SEC. 2. Section 798.61 of the Civil Code is amended to read:

30 798.61. (a) (1) As used in this section, "abandoned
31 mobilehome" means a mobilehome about which all of the
32 following are true:

33 (A) It is located in a mobilehome park on a site for which no
34 rent has been paid to the management for the preceding 60 days.

35 (B) It is unoccupied.

36 (C) A reasonable person would believe it to be abandoned.

37 (2) For purposes of this section:

38 (A) "Mobilehome" shall include a trailer coach, as defined in
39 Section 635 of the Vehicle Code, or a recreational vehicle, as
40 defined in Section 18010 of the Health and Safety Code, if the

1 trailer coach or recreational vehicle also satisfies the requirements
2 of paragraph (1), including being located on any site within a
3 mobilehome park, even if the site is in a separate designated
4 section pursuant to Section 18215 of the Health and Safety Code.

5 (B) “Abandoned mobilehome” shall include a mobilehome
6 that is uninhabitable because of its total or partial destruction that
7 cannot be rehabilitated, if the mobilehome also satisfies the
8 requirements of paragraph (1).

9 (b) After determining a mobilehome in a mobilehome park to
10 be an abandoned mobilehome, the management shall post a notice
11 of belief of abandonment on the mobilehome for not less than 30
12 days, and shall deposit copies of the notice in the United States
13 mail, postage prepaid, addressed to the homeowner at the last
14 known address and to any known registered owner, if different
15 from the homeowner, and to any known holder of a security
16 interest in the abandoned mobilehome. This notice shall be mailed
17 by registered or certified mail with a return receipt requested.

18 (c) Thirty or more days following posting pursuant to
19 subdivision (b), the management may file a petition in the superior
20 court in the county in which the mobilehome park is located, for
21 a judicial declaration of abandonment of the mobilehome. A
22 proceeding under this subdivision is a limited civil case. Copies of
23 the petition shall be served upon the homeowner, any known
24 registered owner, and any known person having a lien or security
25 interest of record in the mobilehome by posting a copy on the
26 mobilehome and mailing copies to those persons at their last
27 known addresses by registered or certified mail with a return
28 receipt requested in the United States mail, postage prepaid.

29 (d) (1) Hearing on the petition shall be given precedence over
30 other matters on the court’s calendar.

31 (2) If, at the hearing, the petitioner shows by a preponderance
32 of the evidence that the criteria for an abandoned mobilehome has
33 been satisfied and no party establishes an interest therein at the
34 hearing, the court shall enter a judgment of abandonment,
35 determine the amount of charges to which the petitioner is entitled,
36 and award attorney’s fees and costs to the petitioner. For purposes
37 of this subdivision, an interest in the mobilehome shall be
38 established by evidence of a right to possession of the mobilehome
39 or a security or ownership interest in the mobilehome.

1 (3) A default may be entered by the court clerk upon request of
2 the petitioner, and a default judgment shall be thereupon entered,
3 if no responsive pleading is filed within 15 days after service of the
4 petition by mail.

5 (e) (1) Within 10 days following a judgment of abandonment,
6 the management shall enter the abandoned mobilehome and
7 complete an inventory of the contents and submit the inventory to
8 the court.

9 (2) During this period the management shall post and mail
10 notice of intent to sell the abandoned mobilehome and its contents
11 under this section, and announcing the date of sale, in the same
12 manner as provided for the notice of determination of
13 abandonment under subdivision (b).

14 (3) At any time prior to the sale of a mobilehome under this
15 section, any person having a right to possession of the mobilehome
16 may recover and remove it from the premises upon payment to the
17 management of all rent or other charges due, including reasonable
18 costs of storage and other costs awarded by the court. Upon receipt
19 of this payment and removal of the mobilehome from the premises
20 pursuant to this paragraph, the management shall immediately file
21 an acknowledgment of satisfaction of judgment pursuant to
22 Section 724.030 of the Code of Civil Procedure.

23 (f) Following the judgment of abandonment, but not less than
24 10 days following the notice of sale specified in subdivision (e),
25 the management may conduct a public sale of the abandoned
26 mobilehome and its contents. The management may bid at the sale
27 and shall have the right to offset its bids to the extent of the total
28 amount due it under this section. The proceeds of the sale shall be
29 retained by the management, but any unclaimed amount thus
30 retained over and above the amount to which the management is
31 entitled under this section shall be deemed abandoned property
32 and shall be paid into the treasury of the county in which the sale
33 took place within 30 days of the date of the sale. The former
34 homeowner or any other owner may claim any or all of that
35 unclaimed amount within one year from the date of payment to the
36 county by making application to the county treasurer or other
37 official designated by the county. If the county pays any or all of
38 that unclaimed amount to a claimant, neither the county nor any
39 officer or employee of the county is liable to any other claimant as
40 to the amount paid.

(g) Within 30 days of the date of the sale, the management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to subdivision (e).

(h) The management shall provide the purchaser at the sale with a copy of the judgment of abandonment and evidence of the sale, as shall be specified by the State Department of Housing and Community Development or the Department of Motor Vehicles, which shall register title in the abandoned mobilehome to the purchaser upon presentation thereof. The sale shall pass title to the purchaser free of any prior interest, including any security interest or lien, except the lien provided for in Section 18116.1 of the Health and Safety Code, in the abandoned mobilehome.

SEC. 3. Section 1780 of the Civil Code is amended to read:

1780. (a) Any consumer who suffers any damage as a result of the use or employment by any person of a method, act, or practice declared to be unlawful by Section 1770 may bring an action against that person to recover or obtain any of the following:

(1) Actual damages, but in no case shall the total award of damages in a class action be less than one thousand dollars (\$1,000).

(2) An order enjoining the methods, acts, or practices.

(3) Restitution of property.

(4) Punitive damages.

(5) Any other relief that the court deems proper.

(b) (1) Any consumer who is a senior citizen or a disabled person, as defined in subdivisions (f) and (g) of Section 1761, as part of an action under subdivision (a), may seek and be awarded, in addition to the remedies specified therein, up to five thousand dollars (\$5,000) where the trier of fact does all of the following:

(A) Finds that the consumer has suffered substantial physical, emotional, or economic damage resulting from the defendant's conduct.

(B) Makes an affirmative finding in regard to one or more of the factors set forth in subdivision (b) of Section 3345.

(C) Finds that an additional award is appropriate.

(2) Judgment in a class action by senior citizens or disabled persons under Section 1781 may award each class member ~~such~~ ~~an~~ ~~that~~ additional award ~~where~~ ~~if~~ the trier of fact has made the foregoing findings.

(c) An action under subdivision (a) or (b) may be commenced in the county in which the person against whom it is brought resides, has his or her principal place of business, or is doing business, or in the county where the transaction or any substantial portion thereof occurred.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county described in this section as a proper place for the trial of the action. If a plaintiff fails to file the affidavit required by this section, the court shall, upon its own motion or upon motion of any party, dismiss the action without prejudice.

(d) The court shall award court costs and attorney's fees to a prevailing plaintiff in litigation filed pursuant to this section. Reasonable attorney's fees may be awarded to a prevailing defendant upon a finding by the court that the plaintiff's prosecution of the action was not in good faith.

SEC. 4. Section 116.130 of the Code of Civil Procedure is amended to read:

116.130. In this chapter, unless the context indicates otherwise:

(a) "Plaintiff" means the party who has filed a small claims action. The term includes a defendant who has filed a claim against a plaintiff.

(b) "Defendant" means the party against whom the plaintiff has filed a small claims action. The term includes a plaintiff against whom a defendant has filed a claim.

(c) "Judgment creditor" means the party, whether plaintiff or defendant, in whose favor a money judgment has been rendered.

(d) "Judgment debtor" means the party, whether plaintiff or defendant, against whom a money judgment has been rendered.

(e) "Person" means an individual, corporation, partnership, limited liability partnership, limited liability company, firm, association, or other entity.

(f) "Individual" means a natural person.

(g) "Party" means a plaintiff or defendant.

(h) "Motion" means a party's written request to the court for an order or other action. The term includes an informal written request to the court, such as a letter.

(i) “Declaration” means a written statement signed by an individual which includes the date and place of signing, and a statement under penalty of perjury under the laws of this state that its contents are true and correct.

(j) “Good cause” means circumstances sufficient to justify the requested order or other action, as determined by the judge.

(k) “Mail” means first-class mail with postage fully prepaid, unless stated otherwise.

SEC. 5. Section 116.410 of the Code of Civil Procedure is amended to read:

116.410. (a) Any person who is at least 18 years of age and mentally competent may be a party to a small claims action.

(b) A minor or incompetent person may appear by a guardian ad litem appointed by a judge of the court in which the action is filed.

(c) An attorney may not be appointed as a guardian ad litem pursuant to subdivision (b), unless he or she is any of the following persons:

(1) The parent, spouse, domestic partner, grandparent, brother, sister, uncle, aunt, or child, whether natural, step, foster, or by adoption, of the minor or incompetent person.

(2) The guardian of the minor or incompetent person.

(3) The conservator of the minor or incompetent person.

(d) The appointment of any guardian ad litem pursuant to subdivision (b) shall be made in the minutes of the action and not later than the calling of the case for trial.

SEC. 6. Section 116.530 of the Code of Civil Procedure is amended to read:

116.530. (a) Except as permitted by this section, no attorney may take part in the conduct or defense of a small claims action.

(b) Subdivision (a) does not apply if the attorney is appearing to maintain or defend an action in any of the following capacities:

(1) By or against himself or herself.

(2) By or against a partnership in which he or she is a general partner and in which all the partners are attorneys.

(3) By or against a professional corporation of which he or she is an officer or director and of which all other officers and directors are attorneys.

(4) As a guardian ad litem pursuant to Section 116.410.

(c) Nothing in this section shall prevent an attorney from doing any of the following:

(1) Providing advice to a party to a small claims action, either before or after the commencement of the action.

(2) Testifying to facts of which he or she has personal knowledge and about which he or she is competent to testify.

(3) Representing a party in an appeal to the superior court.

(4) Representing a party in connection with the enforcement of a judgment.

SEC. 7. Section 198.5 of the Code of Civil Procedure, as amended by Section 41 of Chapter 784 of the Statutes of 2002, is amended to read:

198.5. If sessions of the superior court are held in a location other than the county seat, the names for master jury lists and qualified jury lists to serve in a session may be selected from the area in which the session is held, pursuant to a local superior court rule that divides the county in a manner that provides all qualified persons in the county an equal opportunity to be considered for jury service. Nothing in this section precludes the court, in its discretion, from ordering a countywide venire in the interest of justice.

SEC. 8. Section 393 of the Code of Civil Procedure is amended to read:

393. Subject to the power of the court to transfer actions and proceedings as provided in this title, the county in which the cause, or some part of the cause, arose, is the proper county for the trial of the following actions:

(a) For the recovery of a penalty or forfeiture imposed by statute, except, that when it is imposed for an offense committed on a lake, river, or other stream of water, situated in two or more counties, the action may be tried in any county bordering on the lake, river, or stream, and opposite to the place where the offense was committed.

(b) Against a public officer or person especially appointed to execute the duties of a public officer, for an act done by the officer or person in virtue of the office, or against a person who, by the officer's command or in the officer's aid, does anything touching the duties of the officer.

SEC. 9. Section 415.50 of the Code of Civil Procedure is amended to read:

1 415.50. (a) A summons may be served by publication if upon
2 affidavit it appears to the satisfaction of the court in which the
3 action is pending that the party to be served cannot with reasonable
4 diligence be served in another manner specified in this article and
5 that either:

6 (1) A cause of action exists against the party upon whom
7 service is to be made or he or she is a necessary or proper party to
8 the action.

9 (2) The party to be served has or claims an interest in real or
10 personal property in this state that is subject to the jurisdiction of
11 the court or the relief demanded in the action consists wholly or in
12 part in excluding the party from any interest in the property.

13 (b) The court shall order the summons to be published in a
14 named newspaper, published in this state, that is most likely to give
15 actual notice to the party to be served. If the party to be served
16 resides or is located out of this state, the court may also order the
17 summons to be published in a named newspaper outside this state
18 that is most likely to give actual notice to that party. The order shall
19 direct that a copy of the summons, the complaint, and the order for
20 publication be forthwith mailed to the party if his or her address
21 is ascertained before expiration of the time prescribed for
22 publication of the summons. Except as otherwise provided by
23 statute, the publication shall be made as provided by Section 6064
24 of the Government Code unless the court, in its discretion, orders
25 publication for a longer period.

26 (c) Service of a summons in this manner is deemed complete
27 as provided in Section 6064 of the Government Code.

28 (d) Notwithstanding an order for publication of the summons,
29 a summons may be served in another manner authorized by this
30 chapter, in which event the service shall supersede any published
31 summons.

32 (e) As a condition of establishing that the party to be served
33 cannot with reasonable diligence be served in another manner
34 specified in this article, the court may not require that a search be
35 conducted of public databases where access by a registered process
36 server to residential addresses is prohibited by law or by published
37 policy of the agency providing the database, including, but not
38 limited to, voter registration rolls and records of the Department
39 of Motor Vehicles.

1 SEC. 10. Section 1141.10 of the Code of Civil Procedure is
2 amended to read:

3 1141.10. (a) The Legislature finds and declares that litigation
4 involving small civil cases can be so costly and complex that
5 efficiently resolving these civil cases is difficult, and that the
6 resulting delays and expenses may deny parties their right to a
7 timely resolution of minor civil disputes. The Legislature further
8 finds and declares that arbitration has proven to be an efficient and
9 equitable method for resolving small civil cases, and that courts
10 should encourage or require the use of arbitration for those actions
11 whenever possible.

12 (b) It is the intent of the Legislature that:

13 (1) Arbitration hearings held pursuant to this chapter shall
14 provide parties with a simplified and economical procedure for
15 obtaining prompt and equitable resolution of their disputes.

16 (2) Arbitration hearings shall be as informal as possible and
17 shall provide the parties themselves maximum opportunity to
18 participate directly in the resolution of their disputes, and shall be
19 held during nonjudicial hours whenever possible.

20 (3) Members of the State Bar selected to serve as arbitrators
21 should have experience with cases of the type under dispute and
22 are urged to volunteer their services without compensation
23 whenever possible.

24 SEC. 11. Section 1141.11 of the Code of Civil Procedure is
25 amended to read:

26 1141.11. (a) In each superior court with 18 or more judges,
27 all at-issue nonexempt, unlimited civil actions pending on or filed
28 after the operative date of this chapter, other than a limited civil
29 case, shall be submitted to arbitration, by the presiding judge or the
30 judge designated, under this chapter if the amount in controversy,
31 in the opinion of the court, will not exceed fifty thousand dollars
32 (\$50,000) for each plaintiff, which decision shall not be
33 appealable.

34 (b) In each superior court with fewer than 18 judges, the court
35 may provide by local rule, when it determines that it is in the best
36 interests of justice, that all nonexempt, unlimited civil cases, shall
37 be submitted to arbitration under this chapter if the amount in
38 controversy, in the opinion of the court, will not exceed fifty
39 thousand dollars (\$50,000) for each plaintiff.

(c) Each superior court may provide by local rule, when it is determined to be in the best interests of justice, that all nonexempt, limited civil cases shall be submitted to arbitration under this chapter. This section does not apply to any action in small claims court, or to any action maintained pursuant to Section 1781 of the Civil Code or Section 1161.

(d) (1) In each court that has adopted judicial arbitration pursuant to subdivision (c), all limited civil cases that involve a claim for money damages against a single defendant as a result of a motor vehicle collision, except those heard in the small claims division, shall be submitted to arbitration within 120 days of the filing of the defendant's answer to the complaint (except as may be extended by the court for good cause) before an arbitrator selected by the court.

(2) The court may provide by local rule for the voluntary or mandatory use of case questionnaires, established under Section 93, in any proceeding subject to these provisions. Where local rules provide for the use of case questionnaires, the questionnaires shall be exchanged by the parties upon the defendant's answer and completed and returned within 60 days.

(3) For the purposes of this subdivision, the term "single defendant" means any of the following:

(A) An individual defendant, whether a person or an entity.

(B) Two *or* more persons covered by the same insurance policy applicable to the motor vehicle collision.

(C) Two or more persons residing in the same household when no insurance policy exists that is applicable to the motor vehicle collision.

(4) The naming of one or more cross-defendants, not a plaintiff, shall constitute a multiple-defendant case not subject to the provisions of this subdivision.

SEC. 12. Section 1141.12 of the Code of Civil Procedure is amended to read:

1141.12. (a) In each superior court in which arbitration is required pursuant to subdivision (a) of Section 1141.11, or pursuant to a local rule adopted under subdivision (b) of Section 1141.11, upon stipulation of the parties, any at-issue civil actions shall be submitted to arbitration regardless of the amount in controversy.

(b) In all superior courts, the Judicial Council shall provide by rule for a uniform system of arbitration of the following causes:

(1) Any cause, regardless of the amount in controversy, upon stipulation of the parties.

(2) Upon filing of an election by the plaintiff, any cause in which the plaintiff agrees that the arbitration award does not exceed the amount in controversy as specified in Section 1141.11.

SEC. 13. Section 1141.16 of the Code of Civil Procedure is amended to read:

1141.16. (a) The determination of the amount in controversy, under subdivision (a) or (b) of Section 1141.11, shall be made by the court and the case referred to arbitration after all named parties have appeared or defaulted. The determination shall be made at a case management conference or based upon review of the written submissions of the parties, as provided in rules adopted by the Judicial Council. The determination shall be based on the total amount of damages, and the judge may not consider questions of liability or comparative negligence or any other defense. At that time the court shall also make a determination whether any prayer for equitable relief is frivolous or insubstantial. The determination of the amount in controversy and whether any prayer for equitable relief is frivolous or insubstantial may not be appealable. No determination pursuant to this section shall be made if all parties stipulate in writing that the amount in controversy exceeds the amount specified in Section 1141.11.

(b) The determination and any stipulation of the amount in controversy shall be without prejudice to any finding on the value of the case by an arbitrator or in a subsequent trial de novo.

(c) Except as provided in this section, the arbitration hearing may not be held until 210 days after the filing of the complaint, or 240 days after the filing of a complaint if the parties have stipulated to a continuance pursuant to subdivision (d) of Section 68616 of the Government Code. A case shall be submitted to arbitration at an earlier time upon any of the following:

(1) The stipulation of the parties to an earlier arbitration hearing.

(2) The written request of all plaintiffs, subject to a motion by a defendant for good cause shown to delay the arbitration hearing.

(3) An order of the court if the parties have stipulated, or the court has ordered under Section 1141.24, that discovery other than

1 that permitted under Section 2034 will be permitted after the
2 arbitration award is rendered.

3 SEC. 14. Section 1141.18 of the Code of Civil Procedure is
4 amended to read:

5 1141.18. (a) Arbitrators shall be retired judges, retired court
6 commissioners who were licensed to practice law prior to their
7 appointment as a commissioner, or members of the State Bar, and
8 shall sit individually. A judge may also serve as an arbitrator
9 without compensation. People who are not attorneys may serve as
10 arbitrators upon the stipulation of all parties.

11 (b) The Judicial Council rules shall provide for the
12 compensation, if any, of arbitrators. Compensation for arbitrators
13 may not be less than one hundred fifty dollars (\$150) per case, or
14 one hundred fifty dollars (\$150) per day, whichever is greater. A
15 superior court may set a higher level of compensation for that
16 court. Arbitrators may waive compensation in whole or in part. No
17 compensation shall be paid before the filing of the award by the
18 arbitrator, or before the settlement of the case by the parties.

19 (c) In cases submitted to arbitration under Section 1141.11 or
20 1141.12, an arbitrator shall be assigned within 30 days from the
21 time of submission to arbitration.

22 (d) Any party may request the disqualification of the arbitrator
23 selected for his or her case on the grounds and by the procedures
24 specified in Section 170.1 or 170.6. A request for disqualification
25 of an arbitrator on grounds specified in Section 170.6 shall be
26 made within five days of the naming of the arbitrator. An arbitrator
27 shall disqualify himself or herself, upon demand of any party to the
28 arbitration made before the conclusion of the arbitration
29 proceedings on any of the grounds specified in Section 170.1.

30 SEC. 15. Section 1141.24 of the Code of Civil Procedure is
31 amended to read:

32 1141.24. In cases ordered to arbitration pursuant to Section
33 ~~1141.11~~ 1141.11, no discovery other than that permitted by
34 Section 2034 is permissible after an arbitration award except by
35 stipulation of the parties or by leave of court upon a showing of
36 good cause.

37 SEC. 16. Section 1161.2 of the Code of Civil Procedure is
38 amended to read:

39 1161.2. (a) Except as provided in subdivision (g), in any case
40 filed under this chapter as a limited civil case, the court clerk may

not allow access to the court file, index, register of actions, or other court records until 60 days following the date the complaint is filed, except pursuant to an ex parte court order upon a showing of good cause therefor by any person, including, but not limited to, a newspaper publisher. However, the clerk of the court shall allow access to the court file to a party in the action, an attorney of a party in the action, or any other person who provides to the clerk the names of either of the following:

(1) At least one plaintiff, one defendant, and the address, including ~~he~~ *the* apartment, unit, or space number, if applicable, of the subject premises.

(2) One of the parties or the case number, and can establish through proper identification that he or she resides at the subject premises.

(b) For purposes of this section, “good cause” includes, but is not limited to, the gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code. It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subdivision (a).

(c) Except as provided in subdivision (g), upon the filing of any case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that he or she lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an ex parte order upon a showing of good cause therefor. The notice shall contain on its face the name and ~~phone~~ *telephone* number of the county bar association and the name and ~~phone~~ *telephone* number of an office funded by the federal Legal Services Corporation that provides

1 legal services to low-income persons in the county in which the
2 action is filed. The notice shall state that these numbers may be
3 called for legal advice regarding the case. The notice shall be
4 issued between 24 and 48 hours of the filing of the complaint,
5 excluding weekends and holidays. One copy of the notice shall be
6 addressed to “all occupants” and mailed separately to the subject
7 premises. The notice does not constitute service of the summons
8 and complaint.

9 (d) Notwithstanding any other provision of law, the court shall
10 charge an additional fee of four dollars (\$4) for filing a first
11 appearance by the plaintiff. This fee shall be included as part of the
12 total filing fee for actions filed under this chapter.

13 (e) A superior court, after consultation with local associations
14 of rental property owners, tenant groups, and providers of legal
15 services to tenants, may exempt itself from the operation of this
16 section upon a finding that unscrupulous eviction defense services
17 are not a substantial problem in the county. The court shall review
18 the finding every 12 months. An exempt court may not charge the
19 additional fee authorized in subdivision (d).

20 (f) The Judicial Council shall examine the extent to which
21 requests for access to files pursuant to an ex parte order under
22 subdivision (a) are granted or denied, and if denied, the reason for
23 the denial of access.

24 (g) This section does not apply to a case that seeks to terminate
25 a mobilehome park tenancy if the statement of the character of the
26 proceeding in the caption of the complaint clearly indicates that the
27 complaint seeks termination of a mobilehome park tenancy.

28 SEC. 17. Section 48295 of the Education Code is amended to
29 read:

30 48295. Any judge of the superior court, in the county in which
31 the school district is located, or in which the offense is committed,
32 has jurisdiction of offenses committed under this article. A
33 juvenile court has jurisdiction of a violation of Section 48293 as
34 provided by Section 601.4 of the Welfare and Institutions Code.

35 SEC. 18. Section 12150 of the Fish and Game Code is
36 amended to read:

37 12150. Whenever any person, while taking a bird or mammal,
38 kills or wounds any human being and that fact is ascertained by the
39 department, the department shall notify the district attorney of the
40 county in which the act occurred. The district attorney may



1 thereupon bring an action in the superior court of the county in
2 which the act occurred for the purpose of determining the cause of
3 the killing or the wounding. These proceedings shall be conducted
4 in the same manner as an action to try a misdemeanor and the
5 defendant may request that all findings of fact shall be made by a
6 jury. The court shall inform the defendant of the nature of the
7 proceedings and of the defendant's right to have a jury.

8 If it is found that the defendant did the killing or wounding, but
9 that it was not intentional or negligent, the court shall dismiss the
10 proceeding. Otherwise, if it is found that the defendant did the
11 killing or wounding intentionally, by an act of gross negligence,
12 or while under the influence of alcohol, the court shall issue an
13 order permanently prohibiting the defendant from taking any bird
14 or mammal.

15 If it is found that the defendant was negligent, but not grossly
16 negligent, the court shall issue an order prohibiting the defendant
17 from taking any bird or mammal for a period specified at the
18 discretion of the court but not less than five years.

19 SEC. 19. Section 12151 of the Fish and Game Code is
20 amended to read:

21 12151. Whenever any person, while taking a bird or mammal,
22 kills or wounds any domestic animal belonging to another and that
23 fact is ascertained by the department, the department shall notify
24 the district attorney of the county in which the act occurred. The
25 district attorney may thereupon bring an action in the superior
26 court of the county in which the act occurred for the purpose of
27 determining the cause of the killing or wounding. These
28 proceedings shall be conducted in the same manner as an action to
29 try a misdemeanor and the defendant may request that all findings
30 of fact shall be made by a jury. The court shall inform the defendant
31 of the nature of the proceedings and of the defendant's right to have
32 a jury.

33 If it is found that the defendant did the killing or wounding but
34 that it was not intentional or negligent, the court shall dismiss the
35 proceeding. Otherwise, if it is found that the defendant did the
36 killing or wounding intentionally or negligently, the court shall
37 issue an order prohibiting the defendant from taking any bird or
38 mammal for a period of five years.

39 SEC. 20. Section 68097 of the Government Code is amended
40 to read:

1 68097. Witnesses in civil cases may demand the payment of
2 their mileage and fees for one day, in advance, and when so
3 demanded may not be compelled to attend until the allowances are
4 paid except as hereinafter provided for employees of the
5 Department of Justice who are peace officers or analysts in
6 technical fields, peace officers of the Department of the California
7 Highway Patrol, peace officer members of the State Fire Marshal's
8 Office, other state employees, trial court employees, sheriffs,
9 deputy sheriffs, marshals, deputy marshals, district attorney
10 inspectors, probation officers, building inspectors, firefighters,
11 and city police officers. For the purposes of this section and
12 Sections 68097.1 to 68097.10, inclusive, only, the term "peace
13 officer of the California Highway Patrol" shall include those
14 persons employed as vehicle inspection specialists by the
15 Department of the California Highway Patrol, the term
16 "firefighter" has the definition provided in Section 50925, and a
17 volunteer firefighter shall be deemed to be employed by the public
18 entity for which he or she volunteers as a firefighter.

19 SEC. 21. Section 68097.1 of the Government Code is
20 amended to read:

21 68097.1. (a) Whenever an employee of the Department of
22 Justice who is a peace officer or an analyst in a technical field,
23 peace officer of the Department of the California Highway Patrol,
24 peace officer member of the State Fire Marshal's Office, sheriff,
25 deputy sheriff, marshal, deputy marshal, district attorney
26 inspector, probation officer, building inspector, firefighter, or city
27 police officer is required as a witness before any court or other
28 tribunal in any civil action or proceeding in connection with a
29 matter regarding an event or transaction which he or she has
30 perceived or investigated in the course of his or her duties, a
31 subpoena requiring his or her attendance may be served by
32 delivering a copy either to the person personally, or by delivering
33 two copies to his or her immediate superior at the public entity by
34 which he or she is employed or an agent designated by that
35 immediate superior to receive that service.

36 (b) Whenever any other state employee or any employee of the
37 trial courts is required as a witness before any court or other
38 tribunal in any civil action or proceeding in connection with a
39 matter, event, or transaction concerning which he or she has
40 expertise gained in the course of his or her duties, a subpoena

1 requiring his or her attendance may be served by delivering a copy
2 either to the person personally or by delivering two copies to his
3 or her immediate superior or agent designated by that immediate
4 superior to receive that service.

5 (c) The attendance of any person described in subdivisions (a)
6 and (b) may be required pursuant to this section only in accordance
7 with Section 1989 of the Code of Civil Procedure.

8 (d) As used in this section and in Sections 68097.2 and
9 68097.5, “tribunal” means any person or body before whom or
10 which attendance of witnesses may be required by subpoena,
11 including an arbitrator in arbitration proceedings.

12 SEC. 22. Section 68097.2 of the Government Code is
13 amended to read:

14 68097.2. (a) Any peace officer, as that term is defined in
15 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
16 the Penal Code, any firefighter, any state employee, any trial court
17 employee, or any county employee, who is obliged by a subpoena
18 issued pursuant to Section 68097.1 to attend as a witness, shall
19 receive the salary or other compensation to which he or she is
20 normally entitled from the public entity by which he or she is
21 employed during the time that he or she travels to and from the
22 place where the court or other tribunal is located and while he or
23 she is required to remain at that place pursuant to the subpoena. He
24 or she shall also receive from the public entity by which he or she
25 is employed the actual necessary and reasonable traveling
26 expenses incurred by him or her in complying with the subpoena.

27 (b) The party at whose request the subpoena is issued shall
28 reimburse the public entity for the full cost to the public entity
29 incurred in paying the peace officer, firefighter, state employee,
30 trial court employee, or specified county employee his or her
31 salary or other compensation and traveling expenses as provided
32 for in this section, for each day that the peace officer, firefighter,
33 state employee, trial court employee, or specified county
34 employee is required to remain in attendance pursuant to the
35 subpoena. The amount of one hundred fifty dollars (\$150),
36 together with the subpoena, shall be tendered to the person
37 accepting the subpoena for each day that the peace officer,
38 firefighter, state employee, trial court employee, or specified
39 county employee is required to remain in attendance pursuant to
40 the subpoena.

1 (c) If the actual expenses should later prove to be less than the
2 amount tendered, the excess of the amount tendered shall be
3 refunded.

4 (d) If the actual expenses should later prove to be more than the
5 amount deposited, the difference shall be paid to the public entity
6 by the party at whose request the subpoena is issued.

7 (e) If a court continues a proceeding on its own motion, no
8 additional witness fee shall be required prior to the issuance of a
9 subpoena or the making of an order directing the peace officer,
10 firefighter, state employee, or trial court employee to appear on the
11 date to which the proceeding is continued.

12 (f) For the purposes of the payment of the salary or other
13 compensation of a volunteer firefighter pursuant to subdivision
14 (a), a volunteer firefighter who is subpoenaed to appear as a
15 witness in connection with a matter regarding an event or
16 transaction which he or she has perceived or investigated in the
17 course of his or her duties as a volunteer firefighter, shall be
18 deemed to be entitled to reasonable compensation evidenced by
19 the compensation paid to firefighters in jurisdictions with similar
20 geographic and economic characteristics. However, the
21 requirements of subdivision (a) and of this subdivision are not
22 applicable if a volunteer firefighter will receive his or her regular
23 salary or other compensation pursuant to the policy of his or her
24 regular employer, for the periods during which compensation is
25 required under subdivision (a).

26 SEC. 23. Section 664 of the Harbors and Navigation Code is
27 amended to read:

28 664. (a) When any person is arrested for a violation of this
29 chapter or any regulation adopted by the department pursuant to
30 this chapter or any ordinance or local law relating to the operation
31 and equipment of vessels, and that person is not immediately taken
32 before a magistrate, the arresting officer shall prepare in duplicate
33 a written notice to appear in court, containing the name and address
34 of such person, the offense charged, and the time and place where
35 and when that person shall appear in court.

36 (b) The time specified in the notice to appear must be at least
37 five days after the arrest.

38 (c) The place specified in the notice to appear shall be any of
39 the following:



1 (1) Before a superior court judge who is within the county in
2 which the offense charged is alleged to have been committed and
3 who is nearest and most accessible to the place where the arrest is
4 made.

5 (2) Upon demand of the person arrested, before a superior court
6 judge at the county seat of the county in which the offense is
7 alleged to have been committed.

8 (3) Before an officer authorized by the county, city, or city and
9 county, to receive a deposit of bail.

10 (4) Before a superior court judge within 50 miles by the nearest
11 road to the place of the alleged offense and whose county contains
12 any portion of the body of water upon which the offense charged
13 is alleged to have been committed.

14 (d) The officer shall deliver one copy of the notice to appear to
15 the arrested person and the arrested person in order to secure
16 release must give a written promise so to appear in court by signing
17 the duplicate notice which shall be retained by the officer.
18 Thereupon the arresting officer shall forthwith release the person
19 arrested from custody.

20 (e) The officer shall, as soon as practicable, file the duplicate
21 notice with the magistrate specified therein. Thereupon the
22 magistrate shall fix the amount of bail which in the magistrate's
23 judgment, in accordance with the provisions of Section 1275 of the
24 Penal Code, will be reasonable and sufficient for the appearance
25 of the defendant and shall indorse upon the notice a statement
26 signed by the defendant in the form set forth in Section 815a of the
27 Penal Code. The defendant may, prior to the date upon which the
28 defendant promised to appear in court, deposit with the magistrate
29 the amount of bail thus set. Thereafter, at the time when the case
30 is called for arraignment before the magistrate, if the defendant
31 shall not appear, either in person or by counsel, the magistrate may
32 declare the bail forfeited, and may in the magistrate's discretion
33 order that no further proceedings shall be had in the case.

34 Upon the making of any order that no further proceedings be
35 had, all sums deposited as bail shall forthwith be paid into the
36 county treasury for distribution pursuant to Section 1463 of the
37 Penal Code.

38 (f) No warrant shall issue on any charge for the arrest of a
39 person who has given a written promise to appear in court, unless
40 and until the person has violated that promise or has failed to

1 deposit bail, to appear for arraignment, trial or judgment, or to
2 comply with the terms and provisions of the judgment, as required
3 by law.

4 SEC. 24. Section 667 of the Harbors and Navigation Code is
5 amended to read:

6 667. In addition to any other court which may be a proper
7 place of trial, any superior court location where ~~those~~ cases *of that*
8 *type* are tried, within 50 miles by the nearest road to the place of
9 the alleged offense, shall be a proper place of trial of any person
10 on a charge of violation of this chapter or any regulation adopted
11 by the department pursuant to this chapter or any ordinance or
12 local law relating to the operation and equipment of vessels if the
13 county in which the court is located includes any portion of the
14 body of water upon which the offense charged is alleged to have
15 been committed.

16 SEC. 25. Section 108580 of the Health and Safety Code is
17 amended to read:

18 108580. When a toy is alleged to be in violation of this article,
19 the department or the local health officer shall commence
20 proceedings in the superior court in whose county the toy is
21 located, for condemnation of the article.

22 SEC. 26. Section 110375 of the Health and Safety Code is
23 amended to read:

24 110375. (a) No container wherein commodities are packed
25 shall have a false bottom, false sidewalls, false lid or covering, or
26 be otherwise so constructed or filled, wholly or partially, as to
27 facilitate the perpetration of deception or fraud.

28 (b) No container shall be made, formed, or filled as to be
29 misleading. A container that does not allow the consumer to fully
30 view its contents shall be considered to be filled as to be misleading
31 if it contains nonfunctional slack fill. Slack fill is the difference
32 between the actual capacity of a container and the volume of
33 product contained therein. Nonfunctional slack fill is the empty
34 space in a package that is filled to less than its capacity for reasons
35 other than the following:

36 (1) Protection of the contents of the package.

37 (2) The requirements of machines used for enclosing the
38 contents of the package.

39 (3) Unavoidable product settling during shipping and
40 handling.



1 (4) The need to utilize a larger than required package or
2 container to provide adequate space for the legible presentation of
3 mandatory and necessary labeling information, such as those
4 based on the regulations adopted by the Food and Drug
5 Administration or state or federal agencies under federal or state
6 law, laws or regulations adopted by foreign governments, or under
7 an industrywide voluntary labeling program.

8 (5) The fact that the product consists of a commodity that is
9 packaged in a decorative or representational container where the
10 container is part of the presentation of the product and has value
11 that is both significant in proportion to the value of the product and
12 independent of its function to hold the product, such as a gift
13 combined with a container that is intended for further use after the
14 product is consumed, or durable commemorative or promotional
15 packages.

16 (6) An inability to increase the level of fill or to further reduce
17 the size of the package, such as where some minimum package size
18 is necessary to accommodate required labeling, discourage
19 pilfering, facilitate handling, or accommodate tamper-resistant
20 devices.

21 (7) The product container bears a reasonable relationship to the
22 actual amount of product contained inside, and the dimensions of
23 the actual product container, the product, or the amount of product
24 therein is visible to the consumer at the point of sale, or where
25 obvious secondary use packaging is involved.

26 (8) The dimensions of the product or immediate product
27 container are visible through the exterior packaging, or where the
28 actual size of the product or immediate product container is clearly
29 and conspicuously depicted on the exterior packaging,
30 accompanied by a clear and conspicuous disclosure that the
31 representation is the “actual size” of the product or the immediate
32 product container.

33 (9) The presence of any headspace within an immediate
34 product container necessary to facilitate the mixing, adding,
35 shaking, or dispensing of liquids or powders by consumers prior
36 to use.

37 (10) The exterior packaging contains a product delivery or
38 dosing device if the device is visible, or a clear and conspicuous
39 depiction of the device appears on the exterior packaging, or it is
40 readily apparent from the conspicuous exterior disclosures or the

1 nature and name of the product that a delivery or dosing device is
2 contained in the package.

3 (11) The exterior packaging or immediate product container is
4 a kit that consists of a system, or multiple components, designed
5 to produce a particular result that is not dependent upon the
6 quantity of the contents, if the purpose of the kit is clearly and
7 conspicuously disclosed on the exterior packaging.

8 (12) The exterior packaging of the product is routinely
9 displayed using tester units or demonstrations to consumers in
10 retail stores, so that customers can see the actual, immediate
11 container of the product being sold, or a depiction of the actual size
12 of the container prior to purchase.

13 (13) The exterior packaging consists of single or multiunit
14 presentation boxes of holiday or gift packages if the purchaser can
15 adequately determine the quantity and sizes of the immediate
16 product container at the point of sale.

17 (14) The exterior packaging is for a combination of one
18 purchased product, together with a free sample or gift, wherein the
19 exterior packaging is necessarily larger than it would otherwise be
20 due to the inclusion of the sample or gift, if the presence of both
21 products and the quantity of each product are clearly and
22 conspicuously disclosed on the exterior packaging.

23 (c) Any sealer may seize a container that facilitates the
24 perpetration of deception or fraud and the contents of the
25 container. By order of the superior court of the county within
26 which a violation of this section occurs, the containers seized shall
27 be condemned and destroyed or released upon any condition as the
28 court may impose to ~~insure~~ ensure against their use in violation of
29 this chapter. The contents of any condemned container shall be
30 returned to the owner if the owner furnishes proper facilities for
31 the return.

32 SEC. 27. Section 111880 of the Health and Safety Code is
33 amended to read:

34 111880. When a food, drug, device, or cosmetic is alleged to
35 be adulterated, misbranded, falsely advertised, or the sale of which
36 is otherwise in violation of this part, the department shall
37 commence proceedings in the superior court in whose ~~county~~
38 *jurisdiction* the food, drug, device, or cosmetic is located, for
39 condemnation of the article.

1 SEC. 28. Section 111895 of the Health and Safety Code is
2 amended to read:

3 111895. Any superior court of this state may condemn any
4 food, drug, device, or cosmetic under provisions of this part. In the
5 absence of an order, the food, drug, device, or cosmetic may be
6 destroyed under the supervision of an authorized agent of the
7 department who has the written consent of the owner, his or her
8 attorney, or authorized representative.

9 SEC. 29. Section 117070 of the Health and Safety Code is
10 amended to read:

11 117070. Any violation of any rule or regulation lawfully
12 made by the public agency is a misdemeanor. The superior court
13 of the county within which the reservoir lies in whole or in part is
14 a proper place for trial of all prosecutions for violations of any
15 rules and regulations adopted by the public agency.

16 SEC. 30. Section 117120 of the Health and Safety Code is
17 amended to read:

18 117120. Any violation of any rule or regulation lawfully
19 made by the governmental agency is a misdemeanor. The superior
20 court of the county within which the reservoir lies in whole or in
21 part is a proper place for trial of all prosecutions for violations of
22 any rules and regulations adopted by the governmental agency.

23 SEC. 31. Section 6436 of the Labor Code is amended to read:

24 6436. The criminal complaint regarding a violation of Section
25 6505.5 may be brought by the Attorney General or by the district
26 attorney or prosecuting attorney of any city, in the superior court
27 of any county in the state with jurisdiction over the contractor or
28 employer, by reason of the contractor's or employer's act or failure
29 to act within that county. Any penalty assessed by the court shall
30 be paid to the office of the prosecutor bringing the complaint, but
31 if the case was referred to the prosecutor by the division, or some
32 other governmental unit, one-half of the civil or criminal penalty
33 assessed shall be paid to that governmental unit.

34 SEC. 32. Section 1034 of the Penal Code is repealed.

35 SEC. 33. Section 1035 of the Penal Code is amended to read:

36 1035. ~~(a) In a criminal action pending in a superior court, the~~
37 ~~court shall order a change of venue to another court in the same~~
38 ~~county on motion of the prosecution if it appears that the change~~
39 ~~will be for the convenience of all parties to the action and the~~
40 ~~defendant and his attorney, if any, consent in writing to the change.~~

1 ~~(b)~~—A defendant arrested, held, or present in a county other than
2 that in which an indictment, information, felony complaint, or
3 felony probation violation is pending against the defendant, may
4 state in writing his or her agreement to plead guilty or nolo
5 contendere to some or all of the pending charges, to waive trial or
6 hearing in the county in which the pleading is pending, and to
7 consent to disposition of the case in the county in which that
8 defendant was arrested, held, or present, subject to the approval of
9 the district attorney for each county. Upon receipt of the
10 defendant's statement and of the written approval of the district
11 attorneys, the clerk of the court in which the pleading is pending
12 shall transmit the papers in the proceeding or certified copies
13 thereof to the clerk of the court for the county in which the
14 defendant is arrested, held, or present, and the prosecution shall
15 continue in that county. However, the proceedings shall be limited
16 solely to the purposes of plea and sentencing and not for trial. If,
17 after the proceeding has been transferred pursuant to this section,
18 the defendant pleads not guilty, the clerk shall return the papers to
19 the court in which the prosecution was commenced and the
20 proceeding shall be restored to the docket of that court. The
21 defendant's statement that the defendant wishes to plead guilty or
22 nolo contendere may not be used against the defendant.

23 SEC. 34. Section 1038 of the Penal Code is amended to read:
24 1038. The Judicial Council shall adopt rules of practice and
25 procedure for the change of venue in criminal actions.

26 SEC. 35. Section 1039 of the Penal Code is repealed.

27 SEC. 36. Section 1462.2 of the Penal Code is amended to
28 read:

29 1462.2. Except as otherwise provided in the Vehicle Code, the
30 proper court for the trial of criminal cases amounting to
31 misdemeanor shall be the superior court of the county within
32 which the offense charged was committed.

33 If an action or proceeding is commenced in a court other than
34 the court herein designated as the proper court for the trial, the
35 action may, notwithstanding, be tried in the court where
36 commenced, unless the defendant, at the time of pleading, requests
37 an order transferring the action or proceeding to the proper court.
38 If after that request it appears that the action or proceeding was not
39 commenced in the proper court, the court shall order the action or
40 proceeding transferred to the proper court. The judge shall, at the

1 time of arraignment, inform the defendant of the right to be tried
2 in the county where the offense was committed.

3 SEC. 37. Section 5560 of the Public Resources Code is
4 amended to read:

5 5560. (a) Violation of any ordinance, rule, or regulation
6 adopted pursuant to this article is a misdemeanor punishable by a
7 fine not to exceed five hundred dollars (\$500) or by imprisonment
8 in the county jail for a period not to exceed six months, or by both
9 fine and imprisonment, unless the board provides that a violation
10 of any ordinance, rule, or regulation is an infraction, which shall
11 be punishable by a fine not to exceed fifty dollars (\$50).

12 (b) Any superior court of a county lying wholly or in part
13 within the district is a proper court for trial of all prosecutions
14 under this article for violations of any ordinance, rule, or
15 regulation adopted by the board.

16 SEC. 38. Section 310 of the Water Code is amended to read:

17 310. All prosecutions for the violation of any of the provisions
18 of this article shall be instituted in the superior court of the county
19 where the well is situated.

